

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DWAYNE EICHLER,

Plaintiff,

No. 2:04-cv-1108 GEB JFM (PC)

vs.

CDC OFFICER SHERBIN, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. §1983. In view of this court's order, filed contemporaneously herewith, relieving plaintiff's attorney from representation, and good cause appearing, the court will now set a further briefing schedule on the pending motions for summary judgment and to dismiss filed by defendants in this action.¹ All motions will be resolved on the papers without oral argument

In accordance with the foregoing, IT IS HEREBY ORDERED that:

1. The May 26, 2011 motion of defendant Lebeck and Sherbin to stay is denied.

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¹ The motion of defendants Lebeck and Sherbin to stay this case is mooted by the court's order granting plaintiff's counsel's motion to withdraw and by this order and will therefore be denied.

1 2. Defendants Lebeck and Sherbin are granted ten days from the date of this order
2 in which to file a reply to plaintiff's March 1, 2011 opposition to their January 14, 2011 motion
3 for summary judgment.

4 3. That part of this court's May 2, 2011 order which denied without prejudice
5 plaintiff's April 25, 2011 cross-motion for summary judgment against defendant Mercy Hospital
6 is vacated. Defendant Mercy Hospital is granted twenty-one days from the date of this order in
7 which to file a response to said motion. Plaintiff's reply shall be filed and served not later than
8 twenty-one days thereafter.

9 4. Plaintiff's June 3, 2011 request for leave to file a supplemental opposition to
10 defendant Mercy Hospital's motion for summary judgment is granted.

11 5. Plaintiff's June 3, 2011 supplemental opposition to Mercy Hospital's motion
12 for summary judgment will be considered. Mercy Hospital is granted ten days from the date of
13 this order in which to file, as appropriate, a supplemental reply.

14 6. Plaintiff is granted thirty days from the date of this order in which to file and
15 serve an opposition to defendant Gary Nugent's May 31, 2011 motion to dismiss. Defendant
16 Nugent's reply brief shall be filed and served within fourteen days thereafter

17 DATED: June 20, 2011.

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20 UNITED STATES MAGISTRATE JUDGE

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